

Appln. No. 09/871,774

Date of Response: October 3, 2007

Response to Final Office Action Dated: April 3, 2007

Remarks/Arguments:

Claims 1-66 are pending in this application.

Claims 1, 20, 30, 46, and 58 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement due to added feature in those claims "by the weight of the canopy."

Claims 1-11, 15-26, 28-39, 43-55, 57-63, 65 and 66 stand rejected.

Claims 12-14, 27, 40-42, 56 and 64 have been objected to as being dependent upon a rejected base claim. These claims have been amended and rewritten into independent form including all of the limitations of the base claim and any intervening claims. The previous additional feature of the base claims "by the weight of the canopy," which was rejected under §112 in this as failing to comply with the written description requirement, is not present in the re-written claims.

The proposed amendments to the claims presented hereinabove are submitted to place the instant application in condition for allowance. The proposed amendments are necessary and were not earlier presented because it was believed, for reasons noted in Applicant's last response filed January 8, 2007, that the rejected claims are patentably distinct over the cited prior art references of Langhart, Hemmelsbach, Hubert et al., Lomaz, Miyasak, and Redden ("the cited references"). At that time, Applicant did not believe it was necessary to combine the original independent claims with the subject matter of any of its dependent claims in order to patentably distinguish such claims from the cited reference.

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However, in a bona fide and diligent effort to place the instant application in condition for allowance and in adherence to principles of compact prosecution, Applicant has chosen to combine the subject matter of the independent claims with the subject matters of selected ones of its dependent claims, which the Examiner has indicated are allowable if re-written in independent form.

The proposed amendments raise no new issues or new matter that would require further search and/or consideration by the Examiner. All of the subject matter of the proposed claims was previously claimed in both the original and amended claims and thus was previously considered by the Examiner.

The proposed amendments also materially reduce and/or simplify the issues for appeal and, as such, they are submitted to place the application in better form for appeal. Moreover, the proposed amendments cancels a corresponding number of finally-rejected claims. That is, claims 1-11, 15-26, 28-39, 43-55, 57-63, 65 and 66 are requested to be cancelled without prejudice.

In view of the foregoing, the instant application is believed to be in condition for allowance and, therefore, early issuance thereof is earnestly solicited.

If, however, the Examiner remains of the opinion that the proposed amendments to the claims do not place the application in condition for allowance, then it is kindly requested that they be entered for purpose of appeal.


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If the Examiner believes that a telephone interview would be beneficial to advance prosecution of the present application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
KLEHR, HARRISON, HARVEY,
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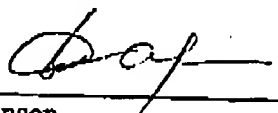
Dated: October 3, 2007

By:



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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (571-273-8300) on October 3, 2007 by:


Beth Johnson